



The Journal of Sociology & Social Welfare

Volume 12
Issue 3 *September*

Article 7

September 1985

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Recommended Citation

Young, T. R. (1985) "Social Justice vs Criminal Justice: An Agenda for Critical Criminology," *The Journal of Sociology & Social Welfare*: Vol. 12 : Iss. 3 , Article 7.
Available at: <https://scholarworks.wmich.edu/jssw/vol12/iss3/7>

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SOCIAL JUSTICE vs CRIMINAL JUSTICE:
AN AGENDA FOR CRITICAL CRIMINOLOGY

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Abstract

This paper presents an overview of the features of crime and the criminal justice system in the United States. It notes the great disparities in use of five systems of justice. It discusses the amount and variety of corporate crime, political crime, street crime, white collar crime as well as organized crime. It emphasizes the inadequacy of current theories of crime in so far as corporate, white collar and political crime are concerned. The author argues that social justice is a far better way to prevent crime than are criminal justice systems and points to other societies with low crime rates. The paper concludes with a radical agenda for American criminology.

The sociology of crime and social control is barely mapped in American criminology and less understood. There are five kinds of crime which are derived and are endemic in capitalist relations. There are several policing and punishing structures in the state sector as in the private sector. There are a half dozen "theories" of crime which are patently false but assiduously disseminated in American criminology. The question for theory is how to understand the sources of crime: conservative theory points to individual character; radical theory to social relations. The question of policy is how to get safe and decent communities. The conservative solution is more prisons, more police, faster trials, harsher sentences, and closer surveillance. The radical policy is more social justice and less criminal justice.

The macrotheoretical position put forward in this paper asserts that crime and political oppression in the U.S. emerge out of the same dynamics which creates the prosperity, the creativity and variety, the surging energy and growth as well as the studied leisure for whole new sectors of the population. I do not want to be mistaken. The argument is not that crime is a necessary and inevitable part of growth, prosperity and human activity. Quite the contrary. I want to put the case that crime varies with several conditions all of which could be brought under human agency. It is not the blind operations of biology, of history or of economy which produce crime. It is human agency in the form of a changing set of policy makers in the state sector and deliberate decisions in the private sector which sets up the objective conditions in which crime increases or decreases. There are societies with low crime rates and safe cities.

BAD THEORY AND BAD POLICY

The indicators of a poorly organized social life world impel us toward better theory and better policy in criminology than we now enjoy. Some idea of the failures in policy can be seen from the following data. The prison population in the U.S. is at an all-time high (Bureau of Justice Statistics, 1983). There are 175 inmates per 100,000 population in the U.S. for a total of 425,000. This does not include county and city jails which hold about the same number of short-term prisoners. Nor does it include youth who have been diverted to group homes, to the military or to supervised probation. Only the Union of South Africa and the U.S.S.R. put people in prison at such high rates. Not very good company. Two million wives are beaten by their husbands each year. Five million are hit routinely. In 1981, almost 1/3 of American households experienced violence or theft. The homicide rate reached its highest level in 1980. The nation spends over 3 percent of its public funds on the criminal justice system, a growth industry. The U.S. spent over 34 billion on prisons and policing last year.

Only 6 percent of burglaries, 21 percent of robberies, 5 percent of forgeries and 1 percent of

drug sales result in arrests (BJS, 1983: 4). Serious crime has increased by 200 percentage between 1960 and 1975 (Feagin, 1982: 274). The National Institute of Justice reports that one-third of the employees in a sample of retail, manufacturing and service organizations report stealing company property. The estimated loss is between 5 and 10 billion dollars (BJS, 1983: 11). Corporations violate a wide variety of laws with studied impunity: labor laws, environmental protection laws, product safety laws, banking laws, currency regulations, worker safety laws, tax laws and campaign contribution laws regularly ignored by the largest corporations. Price fixing alone is estimated by the Senate Judiciary Subcommittee to cost consumers some 174 billion dollars annually. These corporate crimes are seldom tallied, reported, policed, or punished (Clinard et al., 1979). At the same time corporation crime is ignored, peaceful and legal political protest is brutally policed. Over the years, Federal and state agencies have arrested tens of thousands of peaceful political protesters from the tax and mercantile protests of the colonial era to the demonstrations against war and nuclear weapons in the 60's, 70's and 80's (Balkan, 1983). Hundreds of people were arrested in New York in 1984 for political protest of the arms race.

The F.B.I. has committed thousands of burglaries, established five illegal and unconstitutional programs to disrupt women's movements toward social justice, minority movements toward civil rights, citizen opposition to Viet Nam as well as socialist worker parties in the U.S. The C.I.A. routinely violates U.S. law, International law and the laws of the various nations in which it works on behalf of the world capitalist system (Agee, 1975; Wise and Ross, 1964). The U.S. routinely supplies and trains police in states with oppressive regimes. This effort is directly connected to the murder, torture, and imprisonment of progressive labor, religious and student leaders (Chomsky and Herman, 1979). In Grenada, the U.S. was in violation of the U.N. Charter, the O.A.S. Charter and International law (Young, 1983). Recently, the U.S. has been found guilty of violating an international trade treaty by cutting off sugar imports from Nicaragua for political reasons.

The judicial system in the U.S. is systematically biased against Blacks, women, and political protestors (Feagin, 1982). The advocacy system is a commodity in which the poor are denied adequate legal counsel and the larger corporations richly supplied. The prison system is a growth industry which confines mostly poor people and/or minorities in miserable conditions said to produce more crime than it discourages. Unarmed minority youngsters are often killed by the police. But American criminology has neither the theory nor the policy with which to order these data. In the sections which follow I want to supply some sociology as a foundation for better policy. First, I said earlier that the field of American criminology is barely mapped. American criminology focuses upon street crime and the criminal justice system as its natural world. I suggest that a proper criminology must examine all forms of crime, all systems of justice and all theories of crime before it may begin to get good theory and good policy. In the next three sections, I will chart some neglected territory for the next generation of American criminologists.

SYSTEMS OF JUSTICE

There are five very different systems of justice in the U.S. There is the criminal justice system with about 800,000 public police based upon retributive responses to crime. The criminal justice system handles crimes of predation---mostly poor, minority and/or young offenders. It is imbued by a mean-spirited vengeance and security logic. It uses violence and degradation routines for both purposes. Corollary to the public system is a vast private security system employing about the same number of persons to police crime within corporations. This system polices the customers, employees, and competitors of the corporation. It is informed primarily by the logic of distributive justice. The aim is not to punish or confine offenders but rather to advance the corporate goals of profit, growth and a favorable public image. The judges in this system are the top and middle management before whom cases are brought and adjudicated. The Bill of Rights seldom informs proceedings in this system but a rough justice does

result; certainly more equitable than in the criminal justice system in the state sector.

A second system of justice is that of peer review. In the academic world, in the medical field, in the legal profession as in large scale bureaucracies, when one violates a professional canon, one can be brought before a hearing in which one's peers adjudge guilt and assign penalty. As a parallel legal system, it serves quite nicely to protect the image of the profession, to employ constructive social control measures, and to keep white, middle class males out of jails and prisons.

A third major system of Justice is that of contract, administrative and tort law. This system polices and judges the activity of organizations rather than persons. It includes all the federal agencies the populist movement created in the 1920's and 1930's. The F.C.C., I.C.C., S.E.C., F.D.A., as well as civil law. When corporations do wrong they are not arrested, indicted, tried, sentenced or incarcerated. They are directed to perform as agreed or to right a wrong done. Again, distributive justice embues this system of control. The "police" are mostly lawyers who are polite, patient and considerate of business criminals. As a system of social control, it serves admirably to enable the owners of a corporation to profit from the endemic criminal activity of the corporation while bearing no personal culpability. Corporations, while a legal fiction, are very real as criminals and as a buffer to criminal indictment. The corporation as an entity may be fined or some employees, rarely, sent to prison but owners never. If the corporation is ordered by competent authority to dissolve, it is a simple matter to incorporate a new business in a more friendly state or nation and continue to violate health, safety, environmental, tax, fiscal, labor or other law (Young, 1981a).

The fourth system is the medical justice system. It is staffed by psychiatrists, doctors, clinical social workers, counselors, psychologists and nurses. It serves up justice to the sons and daughters, spouses, friends and parents of the middle classes. If one has enough money, one can find doctors who will certify that one is mad or sick rather than bad. The interest in this system of justice is neither

distributive justice nor retributive. The interest is the safety and welfare of the culpable individual--well matched to the logics of privatized individualism and commodity security which informs all predatory relations (Young, 1982).

Once there was a fifth system of religious justice in place which had as its nexus prosocial behavior but that system is a casualty of competitive individualism and mass religion. Religious functionaries policed human behavior, condemned antisocial activity, counselled good (as locally defined) and occasionally banished the incorrigible to perdition. Currently the first four systems mediate wrongful behavior in ways compatible with the class, status and power of the criminal. The religious system is also biased greatly by the prevailing stratification system but once in a while a prophet will castigate the rich and powerful. The Pastoral letter of the Conference of American Bishops (1983) is an interesting effort to mediate the evil of Nuclear Warfare policy of super-states. The interest of the radical right in renewing the teaching of religious values is not altogether unconnected to the failure of formal control systems. Stripped of the God talk and of the overburden of guilt and shame, there is much merit in this approach.

There is a sixth system of state welfare which offers a meager and mean-spirited form of distributive justice for all those by-passed, disemployed or crippled in mind and body by predatory social relations. Oriented mainly to women, children, the aged and other powerless sectors of the surplus population, this system tries to repair the harm done to such persons by advanced monopoly capital. A sociological approach to the study of harm and of justice would try to fit all these forms of justice with all the forms of crime and present the whole picture to the public sphere for discussion and policy.

But American criminology is not a sociological enterprise; it is on the one hand an exercise in political indoctrination largely controlled by power elites and on the other an exercise in demoralized technical rationality in which its function is to train the security forces of the United States in what little management science and behavioral modification an angry, brutal and vengeful system will allow.

American criminology is a disgrace to the good name of social science.

American criminology, then, does not study, theorize or measure the happiness and despair of the various justice systems in America. Taking all major systems together, for the differing approaches to control, for their differing costs to the public, one can see that the crimes of the rich and powerful are treated gently indeed while the crimes of the poor and powerless are treated brutally. Which kinds of crime entails the greatest harm to the health and welfare of the public is an open question. Which is the more effective is the pressing question.

At least 6,000 workers die and 2.7 million are injured through corporate negligence each year in the U.S. 70 to 90 percent of these accidents could be prevented if profits were not a major consideration (Feagin, 1982: 311-312). Considering the 50,000 or so murders in the U.S. each year, it is hard to say which kind of death is the greatest wrong. They are equally unnecessary and equally disruptive of a family. The officers of Equity Funding Corporation stole more from the public than all of the robberies and burglaries that year (Feagin, 1982: 281). Which form of theft is the more harmful cannot be easily gauged. The poisoning of air, water, and ground by chemical corporations may be more harmful to more people than all the muggings, assaults, and murders policed by all the policing agents of all the states. 90% of the cancer deaths are said to be preventable--and it is the tobacco, chemical and industrial corporations which push carcinogens. All this argues that there are severe forms of crime not policed while the forms of crime which are policed are not effectively controlled by whatever system of crime and justice is used.

All this is the dark side of life in the richest, most powerful and most democratic society in the history of the world. One must consider whether the dynamics which give rise to crime, to various justice systems, and other underground structures are caused by individual traits or arise out of the ordinary operations of the massified life of advanced monopoly capitalism. I will make a case, taken from earlier papers, that this is indeed the case (Young, 1975, 1981, 1982, 1983). The case is made in brief after a

short critique of existing "theory" in American criminology.

THEORIES OF CRIMINALITY

There are a wide variety of theories deployed in the research, in the texts, in the penal systems of the United States. These are little more than glosses for whatever conservative or liberal politics to which the writers subscribe. Durkheim (1893) argued that a breakdown in social norms produced crime. He called this "anomie." But most political crime, corporate crime and vice are well ordered. They resonate with the values and beliefs of the majority and do not reflect a breakdown in the social order. American citizens cheered the Reagan administration when it violated international law, various treaties and charters to which the U.S. is signatory in the Granada invasion. Corporate crime is driven by the same well-instituted goals of profit, control and growth as other American business. Pornography, prostitution, drug use and illegal betting are part and parcel of the sexist, escapist and accumulation ethics of Americans. As a theory, anomie is pathetic; as a gloss for law and order policy, it is superb. Everyone must accept middle class commodity morality or, failing that, quickly caught and quickly jailed. Merton's (1957) endorsement of anomie as an explanatory schema slowed progress for thirty years in American criminology. Anomie theory violates a cardinal canon of causality. That which does not exist (anomie) cannot cause that which does exist (crime). Constraint theory violates another canon. That which is a constant (constraint) across both criminal and pro-social behavior cannot be adduced to explain that which varies. Such theories violate basic experimental design theory in science. The work of Richard Quinney in the United States finally challenged the Durkheim-Merton hegemony in theory through the 1970's, but most texts praise Merton and skim over Quinney.

Theories of racial or genetic inferiority are patently false and obviously compatible with conservative politics. They deflect attention from social organization and sources of crime and legitimate a repressive and selective policing of individuals,

groups and races. Controlling for disemployment, the relationship between race and crime disappears (reported in Balkan, 1983: 80). White collar criminals are frequently Northern European in origin and have the usual number of chromosomes. Corporations have no chromosomes at all and commit crime. Blood sugar levels, hormone deficiencies and "overwhelming" sexual drives are equally unrelated to the criminal behavior of presidents, soldiers, and rapists. A few prisoners are found to have extra supplies of genes, blood sugar or hormones and the "theory" explodes in the literature. White collar criminals, corporate officers, soldiers and presidents are not studied. Such a flawed research design would be contemptuously dismissed in a biology, physics, or geology journal. It is called science in criminology.

Differential association theory (Sutherland, 1947), the grandparent of American criminology, cannot be a theory of crime since it is a theory of socialization generally. It is a scientific sin to use a factor that appears in all behavior to explain a special form of behavior. White collar criminals do not differentially associate with drug pushers, sexual psychopaths or corporation presidents. White collar criminals are bright enough to figure out how to cheat the company without being taught. Differential association theory explains equally well why doctors do doctoring, priests preach and criminals steal but it is not a theory of crime. Differential association theory begs the question of why corporate officers require their lieutenants to violate food laws, labor laws or tax laws. It avoids the question of why street thugs rob and rape. It neglects the dynamics of commodity sexuality and perverted masculinity. But it does redirect focus from the political economy of a society to social interactional processes.

The same is true for its near cousin, labelling theory. People who are labelled criminals and put in prison do differently associate with street thugs and are, in fact, more likely to become a street thug. But the same is true of a physician or a priest. Put a person in medical school, label her an intern, teach her medical technology, define her as a "doctor," and she is very likely to become a doctor. Labelling theory can't be a theory of crime any more than it is

a theory of medicine or of religion. It does serve nicely for liberal sociologists to help justify policies which keep kids out of jail--a nice enough desire but scarcely science. Jails and prisons are not good for anybody, even wardens.

Culture of poverty theories such as Lewis (1959) cannot be adequate to an understanding of crime since they do not deal with crimes of the rich, corporate crime, white collar crime or the behavior of priests and nuns who take vows of poverty or with all the many societies such as the Hutterites and Hopi who live in virtually crime-free relations. A better variable is relationship to the means of production as we shall see below. Drift Theory (Matza, 1964), Bond Theory (Hirschi, 1969), or Containment Theory (Reckless, 1973) are equally flawed. They simply ignore the crime of white collar criminals, soldiers, corporations, organized crime members who are bonded, contained, and who do not drift. Again, the very special bias in American criminology which leads one to look everywhere except at the political economy for explanations to crime yields bad theory; bad theory makes for bad policy.

Hirschi claims delinquency is made possible by an absence of beliefs that prohibit delinquency (1969: 198). Again, one cannot explain that which does exist by that which does not exist. This is possible in magic, poetry, and religion but not in science. Albert Reiss uses this same mystical approach in his paper, "Delinquency as a failure of personal and social controls." Corporate officers are issued orders to fix prices, employees must dump harmful chemicals else get fired, delinquent fathers don't pay alimony because they are determined to spend the money on the new wife. Boys and girls either join in gang activity or are subject to ridicule and/or beating. The personal and social controls are there. They produce crime. The prior question is why social controls are used to fix prices, deal drugs, dump chemicals or steal hub-caps. Profit and personal gain may have something to do with it.

One could go on in this vein endlessly. The theories of crime taught in establishment sociology are exercises in careless thinking. It is an embarrassment to have to mention them in the presence

of students and colleagues in other disciplines. A better view of these theories is that they are ideology. Modern criminology is ideology. It serves to reproduce existing systems of law, of policing, of justice and of corrections. It is not science.

FORMS OF CRIME

There are five major forms of crime that are directly linked to the dynamics of capitalism. Corporate crime, street crime, organized crime, political crime and white collar crime all have differing sets of dynamics. None of these crimes has any special relationship to poverty, to social drift, to genes, to racial traits, to ethnic variables, to differential association, hormones or deviant subculture. They do relate to such social variables as separation from the means of production, predatory individualism, profit, political legitimacy, life crises, and the commodification of sacred supplies. Of these five, only street crime and organized crime are studied extensively in American criminology.

Corporate crime includes violations of tax laws, currency laws, product safety laws, environmental protection laws, worker safety laws, collective bargaining laws and campaign contribution laws. Corporations in a capitalist economy have three goals in conflict with these laws: profit, growth and control of the business environment. When the goals of production are changed to those which protect workers, which serve human need and which preserve the environment, the impetus to crime is reduced. But the corporation would no longer be a capitalist corporation. It would be a socialist corporation (Young, 1975).

Political crime in the U.S. has two major forms. The first entails crimes of the state against its own citizens and laws. The second entails crimes of citizens against their own state. One can understand political crime only in terms of the structural contradictions in a society. In the U.S., there is formal (and real) democracy in the political sphere together with authoritarian (bureaucratic) relations in the private sector. In order to maintain political legitimacy the Congress must pass laws protecting

workers, consumers and the environment. In order to protect capitalism the state must go underground to destabilize movements toward democracy in the workplace; in stores, shops, and factories. The State must protect American capital overseas. It works in secret to subvert political opposition to such action (Chomsky and Herman, 1979). A vast network of underground policing structures develop in capitalist democracies (Young, 1983). At the same time, citizens try to use institutional politics to gain social justice and, failing, go underground and try to use force to achieve their needs. Workers, peasants, Blacks, small business people all turn to political crime in elitist systems when institutional politics don't work. Theories on bonding, drift, oedipal complex, constraint, anomie or association simply do not deal with the central dynamics of political crime.

Organized crime deals in the privatized production of those solidarity supplies used in most societies to establish and celebrate cherished social relations (Young, 1972). Alcohol, drugs, sex, violence, gambling, lending money and protection are oriented to the creation of community and a sense of the sacred in traditional societies. The production and use of drugs is defined as right and proper if used in religious or male solidarities in a variety of societies. It is defined as corrupt to use them for private purposes in these societies. The same is true for sex, alcohol, risk, violence as well as wealth. There are terms of opprobrium for such private use of sacred supplies: addiction, alcoholism, usury, perversion, gluttony and murder. But the logic of capitalist production oriented to profit rather than to community does not scruple to produce and sell such solidarity supplies for individual or nonsocial use. Individuals alienated from control over their social institutions can exercise a thin and risky freedom in abusing their bodies. Again, the usual theories of crime fail to explain these activities. Sometimes drugs and sexuality are used for solidarity and sometimes for the facsimile of solidarity. Capitalism commodifies every cherished good or service. These solidarity supplies become market commodities in a profit oriented society...sold to anyone for profit. Capitalism has no interest in

community or collective. Privatized use of solidarity supplies is most congenial to the individualism and market liberalism of capitalism.

White collar crime involves lawyers, doctors, bankers, managers, clerks, and professors who violate their position of trust in an organization for private gain. This can best be understood in terms of the dynamics of a competitive system of production and distribution oriented to privatized accumulation and consumption. White collar workers have life styles which are oriented to high levels of consumption. Unexpected crises can threaten life style. Downturns in the economy, disemployment, inflation, catastrophic illness of parents, spouse or children, cutbacks in federal funding, divorce and other personal crisis can propel an otherwise law abiding citizen to embezzle funds from one's bank; compel doctors to perform unnecessary surgery (usually on women undergoing a crisis of femininity); lead clerks to systematically pilfer from cash boxes, induce professors to use state property for privately paid consulting and so on. Neither differential association theory, deviant subculture theory, physiological variables such as blood sugar levels or psychological variables such as insanity can explain this crime. It is done to create and protect a life style and a social standing.

Doctors must overcut, overbill and overpush drugs in order to create an estate and a portfolio which will see them through their senior years since the welfare state guarantees only a minimal, degrading and insecure old age retirement program. Those in real estate, auto repair, stock brokerage, law, and small shopkeeping are in an especially precarious position. They must, willy-nilly, accumulate an estate or \$700,000.00 or so. Anyone who doesn't is foolish in such a society. In the social position they occupy, they must cheat customers, evade taxes, exploit workers, and bribe officials to survive and to build a portfolio. It is relationship to the means of production and one's position in the political economy which is related to the amount and kind of crime white collar criminals commit--not one's skin color, body chemistry or fantasy life.

Street crime; burglary, shoplifting, auto theft, mugging, robbery, prostitution, and rape vary with a

number of factors including disemployment, privatized acquisition, racial hostility, authoritarian relations, distorted sexuality, and compulsive consumption. Women who own only their body as a means of production can sell it when they can't sell their labor power. Young people excluded from employment can steal autos, bikes, and stereos advertised so energetically and thus reunite production and distribution. Men, caught up in authoritarian relations at work can transfer the alienation of work into brutality toward women and children. Thus they reclaim, in the family, the power lost at work in distorted form. Sexuality which is used as a commodity in thousands of ads, as a male solidarity device in myriad "jokes," and which is oriented to violence in a hundred movies create a masculinity crisis in which rape and psychological violence toward women seems natural. A conflict-ridden society, using force to resolve societal conflict, models the behavior of all parties in personal relations. None of these dynamics is connected to genetic, physical or psychological variables taught as theory in criminology texts. Violence varies with social and cultural formations, not with physical and psychological variables except as a learned response to the culture of violence in which people must live their days in some societies. In other societies, people with the same genes, same body chemistry, same drives do not murder, rape, pillage or prostitute themselves.

Separated from the means of production, taught that consumption is the supreme test of the good life, socialized to privatized accumulation, living in class, racial, ethnic and gender conflict, recruited by organized crime to buy and sell, young people live in a crimogenic environment. One could scarcely design a better milieu for crime were one to try. Social welfare and the criminal justice systems are too little and too loose a means to control crime.

The dynamics of capitalist production are intimately related to the conditions above. Production for profit requires that ownership reduce costs, especially labor costs. Automation, investment in capital intensive production, relocation to cheap labor markets, and superexploitation of existing workers all hurl millions of workers into the surplus

population and keep more millions out, especially young minority males. With such disemployment, and with such compulsion to consume, people have but five major ways to reunite production and distribution. They can sell their labor power in low wages and in part-time markets; they can turn to the kinship structure for resources; they can beg from private charity; they can humiliate themselves by applying for state welfare--and they can turn to crime. A great many do all five in some combination. These are the mega-choices which limit all other choices.

And one must not forget that crime is very profitable as an underground system of production and distribution. The drug industry, pot and coke, is a multibillion dollar industry of rising importance in Florida, California, and Hawaii. Even sober, church-going farmers in Kansas raise pot. Auto theft, burglary, robbery, price-fixing, swindles, and prostitution are multi-billion dollar pursuits employing tens of thousands. If the economic sector embracing crime were to disappear, the U.S. would face a depression of major proportions. Many legitimate businesses: banks, hotels, restaurants, travel services, real estate, automotive and personal service enterprises make that little extra indirectly from crime which means the difference between success and failure. Without crime many would fail. Hundreds of thousands are employed in policing, processing and feeding prisoners. Police, lawyers, bonding companies, construction firms, food wholesalers and hundreds of spin-off businesses serve the criminal justice system. Without crime, they would be disemployed. In capitalist societies, all this unproductive labor fuels and inflates the economy. Capitalism, as a system of production and distribution, could not survive without crime, especially corporate crime. Yet, as crime rates climb, capitalist societies find it more difficult each year to secure the domestic tranquility and must spend more of its resources on social control technology.

This, then, is an overview of a critical analysis of crime in the U.S. It sketches out the major forms of crime in the U.S. and their relationship to the ordinary workings of a capitalist economy. It lays out the major systems of justice and notes their

inadequacy as an approach to reduce crime in the face of such powerful incentives to do crime. It is in this context that contemporary criminology puts forth its depoliticized and mindless theory. Bad theory makes bad policy. It is this distorted society that American criminology serves as a handmaiden to power, privilege and punishment.

AN AGENDA FOR CRITICAL CRIMINOLOGY

In the last part of this paper I want to build, from the first part, a critical criminology which would serve the policy needs of our crime-ridden society. In the recommendations which follow, the emphasis is upon prevention of crime by instituting programs of social justice in office, factory, shop, store, school, health care, sports and home. Rather than production for profit, the emphasis here is upon production for human need, for community, and for praxis.

1) THE ROLE OF CRIMINOLOGY. The role of American criminology must change. At present, American criminology is little more than a reporting service which describes the variety and incidence of predatory crime. Studying the correlates of crime in one society is not adequate. Investigating the careers of criminals in this or that historical epoch is but part of the task. In order to get a comprehensive theory of crime and anti-social behavior, a mature criminology must make trans-societal comparisons, must examine anti-social behavior in the context of the social formation in which it appears (Platt and Horton, 1983; Alder, 1983; Holyst, 1981). An adequate criminology must contrast wrongful behavior to the social factors and social formations which produce prosocial behavior. It should study social relations and social position rather than individuals. It should study the position a society has in a world system of economic production and political privilege rather than just the people caught, indicted, and imprisoned. Holyst has sketched out such a cross-societal research design (1981: 98). But most of all an advanced criminology must not be mystified by conceptual constraints which deflect attention from the research designs which

challenge the legitimacy of existing social formations.

2) A SOCIOLOGY OF CRIME. If one would protect a society from critical reflection, one would do well to locate the sources of crime in non-social factors. American criminology does just that. The various texts and articles in criminology emphasize such physical factors as genetics, body type, blood sugar levels, and age. They focus upon such psychological variables as moral development, childhood trauma, values, bonding, brain damage and intelligence as a source of crime. Such interactional variables as differential association, residence (urban-rural), age grade linkage, and prior socialization in games, sports and religion are thought to predict on crime. Even geographical variables such as temperature, humidity, length of daylight, and altitude are brought forward to explain crime. Agriculture varies with geography but it is not used as a theory of agribusiness.

A more sociological approach would look at social relationships and social position. Persons separated from the means of production and thus from systems of distribution may reunite production and distribution through crime. Disemployment does predict upon crime rates against poverty (Balkan, 1983: 68), upon imprisonment rates (Balkan, 1983: 70), and upon family violence (CBS Reports, 13 August, 1983). If one wishes to pursue policy which inhibits crime, labor intensive systems of full employment would be advisable. Jobs not jails.

Private capital disemploys people by deserting low profit, labor-intensive lines of production for high profit; by introducing automated lines of production; by disinvesting in high cost labor markets; by deserting communities in the U.S. for free rides in the Third-World; by diverting capital from socially necessary production toward speculative finance investment. In a legal system where these property rights are permitted, the conditions for crime are promoted. There are two kinds of data which support a social relations theory of crime: within capitalist societies, crime varies with disemployment (Brenner, 1976); forms of crime vary between capitalist and socialist relations of production and distribution

(Adler, 1983; Brady, 1981; Cantor, 1974; Holyst, 1981; Platt and Horton, 1983).

Persons located in a consumer-oriented economy and with income inadequate to pursue such high levels of consumption are objectively in a crime-prone position. This includes doctors, lawyers and professors whose income cannot always match expenditure requirements for an affluent middle-class life style. People who have no secure relationship to the means of distribution after retirement must, if prudent, accumulate far more than they can possibly spend in order to provide for an uncertain future. Persons in a position of trust must look ahead to less certain positions in the distributive system and cut corners to protect their position.

Corporations, caught in a profit squeeze, beset by employees demanding higher wages, better retirement benefits, more medical benefits, adequate vacation benefits, necessary unemployment benefits, safe working conditions, control over the work process and respect on the job are in a crime-prone situation. These demands are costly and reduce profits. Capitalist corporations must use and discard employees to avoid these demands. Add to that competition from other national and foreign corporations, environmental protection laws and taxation patterns all in a context of a demanding Board of Directors and profit hungry stockholders, venal politicians and cagey suppliers then one has all the ingredients for corporate crime. One does not need genes, ethnicity, penis envy, childhood trauma or heat waves to develop a theory of corporate crime. Generally, a critical criminology studies people and organizations in the social relations in which they must live out their lives.

3) THE CONCEPT OF CRIME AND ANTISOCIAL ACTIVITY. Criminology in the U.S. is severely crippled by its definitions of crime. Since the crime-defining process operates within the logics of any given social formation in history, the concept of crime varies with the logics of the economic, political, familial, and religious institutions making up that formation. Much of the antisocial behavior of a feudal, slave, or class society is taken as unproblematic even though it is antisocial on a number of counts. Endangering the health of workers, consumers or future generations is

antisocial but not illegal in the narrow definition of crime in a capitalist system or in a legal system controlled by capitalist logics. Since the law making apparatus in the U.S. is controlled by the rich and powerful (Domhoff, 1967; Parenti, 1974), the concept of crime is bent in their direction. American criminology accepts that bias as unproblematic. Crime is much more than the narrow concept used in American criminology. Disinvesting in socially necessary lines of production such as child care, education, housing, and low energy transport is not conceived as a crime in the various legal codes of the U.S. Exploiting workers is not called a crime. Deserting communities is not considered crime. Drawing wealth and food from the poorest countries in the world is not considered crime. Imperialism, economic exploitation and wars of oppression are not conceived to be criminal. It takes a technologically oriented mentality to exclude these acts from a study of crime.

A critical criminology needs to distinguish between necessary repression and surplus repression. Necessary repression is that required to create a decent social life world and should be the foundation of criminal law. Surplus repression is that repression necessary to reproduct the structures of class, gender, national, racial, or authoritarian privilege. It is necessary to repress the unnecessary repression of women, workers, minority groups and political dissidents. More generally, human rights should ground criminal law. Every act hostile to the human process should be the subject of repression.

4) CRIMINOLOGY AS SOCIOLOGY RATHER THAN TECHNOLOGY. Most criminology courses are oriented to criminal justice programs inserted into the University by the L.E.A.A. sponsorship of American Criminology. This strips American criminology of its critical self-reflective dimensions and reduces it to a one-dimensional positivistic science. There is a sort of keynesian political economy in American criminology. The state injects money into the knowledge process in order to stimulate the production of the kind of knowledge necessary to make the officially given criminal justice system work. In such a science, criminology is little more than a record keeping enterprise coupled with the training of technicians to

staff the criminal justice system. It has no philosophy; only a technology. It has no questions; only answers. It has no science, only a politics. It has all the critical and theoretical elegance of a school for morticians. Rather than seeking to motivate, train and place students in the criminal justice system, criminology should critically analyze the systems of social control in American society. It should distance itself from any given system of law, of corrections, of political philosophy or of economic endeavor. It should stand outside of the particular history of politics of any given society but inside the human project.

As indicated earlier, there are in the U.S. several justice systems. The criminal justice system is for the poor, the young, and for minorities. It embraces retributive justice. Private justice systems are for white collar criminals and corporate criminals. They operate on the nexus of distributive justice. The Medical Justice System is used to keep the middle class out of the Criminal Justice System. It operates on the idea of individual welfare. Psychiatrists, Clinical Social Workers, Physicians and Clinical Psychologists provide gentle and sympathetic treatment for drug addicts, alcoholics, shoplifters, murderers and child molesters who happen to be wealthy enough to claim sickness or madness successfully. A sociology of crime control would examine side-by-side alternative methods to get a safe and decent society.

The fact is that most people who engage in crime and antisocial behavior cease such behavior as they become integrated into work, family, friendship and community roles. Putting people in prosocial roles early on in life may be a better way to deal with crime than is punishment. However, the larger social factors which discard people must be transformed else no justice system, criminal, civil, medical or prosocial will work. Without social justice, there will be ever more subjects for such systems. There promises to be an ever growing cycle of people through the criminal justice system. We have created a crime machine which teaches young people greed, denies them work, tempts them with overflowing wealth, which polices and imprisons them and, in prison, improves their skills and techniques for harmful behavior. The

society which denies its young the resources to become productive citizens does so at its own peril.

It seems clear that a stable and competent self system located in a network of stable and cooperative social relations located in a system of stable and mutually supportive social networks and institutions oriented to produce a just and stable community is a better system of social control than are police and prisons. But stable self systems are not the aim of school systems--marketable skills and compliant workers are the aim in a market society. The schools push the young people out onto the street who don't fit into the sober, compliant, punctual, quiet, attentive model used in factory, shop and office. Cooperative social relations are not the aim in a profit oriented society--competitive self interest is the aim. Mutually supportive institutions are not the aim in class, racist, or gender systems of domination--the growth and power of financial institutions is given preference to the health and needs of family institutions or other necessary institutions--health care, child care, or energy-efficient transport. A just and stable community is not the aim of the productive process in American society. Whether the community thrives or fails is of little concern in the fiscal accounts of corporate capital--the bottom line is profit and growth in market shares (Iadicola, 1983).

FROM CRIMINAL JUSTICE TO SOCIAL JUSTICE

Cuba, China, the U.S.S.R., and other socialist countries emphasize social justice and they do better in creating crime-free relations (Shelby, 1981; Brady, 1982; Cantor, 1974). On all the important measures of social justice, socialist countries do better than countries with private capital systems of production and distribution (Cereseto, 1983; Gorin, 1983). Organized racketeering, government corruption, street crime and political oppression have been substantially reduced in Cuba and China (Brady, 1981: 22). Moscow, Havana and other major socialist cities have safer streets now than before the Revolution. According to Holyst there has been a steady decrease in crimes related to social inequality in socialist countries (1981: 117). In Poland, there has been improvement

except for homicide, robbery and burglary (121). In Bulgaria, there has been a steady drop in crime rates except murder, assault, morals and traffic offense (121). In Czechoslovakia, crime rates increased during the 50's, dropped in the 60's, increased until 1972 and improved since then (122). In East Germany there was a sharp decrease in crime the first fifteen years of socialism and lower decline since then. Serious crime is rare (122). Crime rates in Hungary show a slight increase led by homicide (200 cases in 1976) (123). In Yugoslavia, the trend is unclear from the Holyst data but appears low in Western terms. There has been an increase in crime against the economy, theft of social property, and bad checks (123). Crime has dropped precipitously in Cuba according to information provided this author by government officials. Organized criminals fled en masse to Miami at the earliest possible moment.

But it is not Soviet or Cuban socialism per se which creates a low crime social milieu. It is social justice. Among the Hutterites there is no murder, no divorce, no robbery, no exploitation, no drug abuse, no mugging or sexual assault and there is no poverty, no emphasis on privatized consumption as the essence of the good life and no exclusion from the means of production or distribution. In Cuba, China, as in other low crime societies such as the Hutterites, community, prosocial behavior and social justice take precedence over profit, private accumulation, and affluent life styles.

If we are to deal with the ravages of crime: corporate, political and street crime; rape, assault, murder as well as crimes against property, a vastly different criminology is required. American criminology has not given America the theory it needs to develop such a a prosocial policy. Instead it mindlessly focuses upon inter-personal factors and studiously ignores the social and economic factors which produce corporate crime, white collar crime, street crime and political crime. It is in sad disarray having sold itself to a primitive criminal justice system in which it has no other role than to collect and report crime statistics, to train workers and to create poorly grounded ideology. It is a pathetic apology for the status quo and a disreputable

discipline on the take from the state. It should be banned from all respectable universities--or at the least placed on probation until it gets its theoretical house in decent repair.

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